

Advisory Opinions on Consent Agenda - November 2021

Item #	Docket #	Caption	Analysis	Recommendation
G8	2021-675	Request for an advisory opinion regarding whether members of the Louisiana Water Resources Commission are required to file annual personal financial disclosure statements.	In order for members of a board or commission to be required to file annual personal financial disclosure statements, the board or commission must meet two factors: (1) it must meet the definition of a board or commission as set forth in La. R.S. 42:1124.2.1D(1)(a); and, (2) have the authority to expend, disburse or invest \$10,000 or more in funds in a fiscal year. The Louisiana Water Resources Commission meets the first factor as it was created by statute. However, the Louisiana Water Resources Commission does not meet the second factor as it does not have any spending authority.	Advise the members of the Louisiana Water Resources Commission that they are not required to file disclosures pursuant to La. R.S. 42:1124.2.1.
G9	2021-718	Request for an advisory opinion from Eleanor Burke, Deputy Director of New Orleans and Central Business District Historic District Landmarks Commission ("HDLC"), on behalf of HDLC and its employee Gabrielle LeBlanc, as to whether a building inspector employed by HDLC may be employed as a private home inspector for a third-party employer.	Since the services provided to Axelrad by Ms. LeBlanc are not devoted substantially to the work she performs at HDLC, she would not be prohibited under La. R.S. 42:1111C(1)(a) from receiving compensation from Axelrad for the provision of such services. Also, since nonconformity with HDLC guidelines is not a subject matter of inspection reports provided to Axelrad, Ms. LeBlanc would not be prohibited from providing services to Axelrad on properties that she inspects for HDLC. Since Axelrad does not have any relationship with HDLC, any payments made to Ms. LeBlanc by Axelrad would not be a violation of La. R.S. 42:1111C(2)(d).	Adopt proposed advisory opinion.

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G10	2021-720	Request for an advisory opinion, submitted by attorneys Ethan P. Arbuckle and Rhys E. Burgess, regarding whether the Louisiana Code of Governmental Ethics ("Code") would prohibit them from entering into an agreement with Sevy Title, LLC to provide loan closing and title services.	Based on the facts presented, the Code does not prohibit Messrs. Arbuckle and Burgess from entering into an agreement with Sevy Title, LLC. Sevy Title, LLC does not have a contractual, business, or other financial relationship with their agency "the District Attorney's Office for the Parish of DeSoto. Additionally, Sevy Title, LLC is not regulated by the District Attorney's Office for the Parish of DeSoto. Lastly, Sevy Title, LLC does not have substantial economic interests which may be substantially affected by the performance or nonperformance of either of their official duties.	Adopt the proposed advisory opinion.

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G11	2021-739	Request for an advisory opinion regarding whether there are any conflicts of interest in connection with a nonprofit organization that honors the late son of Iberia Parish School Board Member Raymond "Shoe Do" Lewis.	<p>I. Although Lewis states that he does not intend to be employed or draw compensation from GPAL, does the Code prohibit him from doing so? 111C(2)(d) does not prohibit him from being employed by GPAL under the current circumstances, but it does if GPAL enters into transactions with the school system.</p> <p>II. May GPAL collaborate with the school system to apply for grants? Does Lewis' association with GPAL prohibit his or the school's participation in such activities? 1113A prohibits Lewis, not GPAL, from entering into transactions with the school system. GPAL's Executive Director &/or Coordinator should handle the transactions.</p> <p>III. May Lewis participate in fundraising for GPAL at events sponsored by school organizations? 1115A(1) prohibits him from soliciting donations from prohibited sources.</p> <p>IV. May GPAL receive contributions from businesses with relationships with the school system? 1115A does not prohibit GPAL; however, Lewis should not solicit or accept donations from any prohibited sources.</p> <p>V. Are there any other conflicts or prohibitions with respect to Lewis' association with GPAL while he serves as a school board member? The Board should decline to answer this question without a specific issue that has not already been raised by the questions above.</p>	Adopt draft advisory opinion.
	2021-762	Request for an advisory opinion from Dr. Latricia Kyle as to whether she may enter into the purchase of property from a governing authority of which her biological brother is a member.	In accordance with La. R.S. 42:1102(13) and Louisiana Civil Code article 199, Dave Wilson, III would not be considered Dr. Kyle's immediate family member. Accordingly, the prohibitions contained in La. R.S. 42:1112B(1) and La. R.S. 42:1113A would not apply to the proposed transaction.	Adopt proposed opinion.
G12				

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G13	2021-786	Request for an advisory opinion from Sgt. M. Laz Wilson, a Digital Evidence Custodian with the Baton Rouge Police Department, relative to post-employment restrictions under the Code of Ethics.	Even though Sgt. Wilson would be contracting with her former employer, the BRPD, the services she intends to provide are not the same as the services that she provides to the BRPD as a Digital Evidence Custodian. Additionally, it does not appear that Sgt. Wilson would be assisting another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which she participated at any time during her employment with the Baton Rouge Police Department.	Adopt the proposed advisory opinion draft.
G14	2021-787	Request for an advisory opinion from Ben Westerburg, a West Monroe Alderman, regarding whether he may remain employed as a Disc Jockey for K-104 KJLO Radio while a candidate for re-election.	There are no statutes under the Board's jurisdiction prohibiting Ben Westerburg from being a radio talk-show host while he is a candidate for political office. Also, his employment does not trigger a reporting requirement on his campaign finance disclosure reports, since his candidacy will not be discussed on the radio.	Adopt draft advisory opinion.

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G15	2021-874	Request for an advisory opinion from Ernest Garrett III, on behalf of the Board of the Louisiana Commission for the Deaf, as to whether members of the board may receive services from the Commission.	<p>The Board does not generally provide exceptions to the Code of Governmental Ethics. Any change in the Code of Governmental Ethics may only be made by the state legislature.</p> <p>La. R.S. 42:1111A is not implicated in the provision of services to LCD commissioners who are DDBHH, as such services are not being provided for the performance of the duties and responsibilities of their office or position.</p> <p>With respect to La. R.S. 42:1113A, the Louisiana Supreme Court, in Hill v. Commission on Ethics for Public Employees, 453 So.2d 558 (1984), found generally that a public servant could enter into transactions with its agency to the extent that such transactions were "routine and mechanical." Accordingly, to the extent that LDC provides certain services to all DDBHH persons under objective criteria, then LDC commissioners and their families would not be prohibited from receiving the same services from LDC as any other DDBHH person. To the extent that determining who receives services from LDC is discretionary or involves the direct participation of an LDC commissioner, then that member could not receive such services.</p>	Adopt proposed opinion.